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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.               | CONFIRMATION NO.       |
|--|-------------|-----------------------|-----------------------------------|------------------------|
| 10/673,949   | 09/29/2003  | Edward Michael Silver | BS030552                          | 3781                   |
| 38516 7590 09/12/2007<br>SCOTT P. ZIMMERMAN, PLLC<br>PO BOX 3822<br>CARY, NC 27519 |             |                       | EXAMINER<br>RAMAKRISHNAIAH, MELUR |                        |
|  |             |                       | ART UNIT<br>2614                  | PAPER NUMBER           |
|  |             |                       | MAIL DATE<br>09/12/2007           | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                        |  |
|------------------------------|------------------------|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>    |  |
|                              | 10/673,949             | SILVER, EDWARD MICHAEL |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>        |  |
|                              | Melur Ramakrishnaiah   | 2614                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7-8, 9, 13, 15-17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo (US PAT: 6,714,637, filed 10-19-1999) in view of O'Brien (US PAT: 4,893,329).

Regarding claim 1, Kredo discloses a system, comprising: means (125, fig. 1) for receiving a first incoming communication, means for producing a first initial alert (implicit as the caller has received the first incoming call 125) for the first incoming communication (fig. 3, col. 3 lines 42-49), means (125, fig. 3) for receiving a second incoming communication during the period of time of suppression (note: this is implied as the user is engaged in first call), and means (130, fig. 3) for producing a second initial alert of the second incoming communication (such as call initiated by caller 90 in fig. 3, col. 3, line 51 – col. 4, line 17).

Kredo differs from claim 1 in that he does not specifically teach: means for suppressing subsequent alerts of the first incoming communication for a period of time.

However, O'Brien discloses call deferral system for telephones which teaches: user can program ring suppression for incoming calls for desired period of time (col. 2 lines 3-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kredo's system to provide for the following: means for suppressing subsequent alerts of the first incoming communication for a period of time as this arrangement would provide convenient means to program his telephone system to suppress ringing of the telephone to suite his requirements as taught by O'Brien.

Kredo differs from claims 3-4 in that he does not specifically teach: means for retrieving a timing parameter that specifies period of time suppression, means for enabling the alerts after time period has passed.

However, O'Brien teaches the following: means for retrieving a timing parameter (this is implied as the reference teaches programming time to suppress ringing the telephone system ) that specifies period of time suppression, means for enabling the alerts after time period has passed (col. 1, lines 56 – col. 2, line 14 and fig. 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kredo's system to provide for the following: means for retrieving a timing parameter that specifies period of time suppression, means for enabling the alerts after time period has passed as this arrangement would provide user with convenient means to program his telephone system to suppress ringing of the telephone and resume ringing to suite his requirements as taught by O'Brien.

Kredo differs from claim 5 in that he does not teach: timing parameter ranges from one second to approximately two minutes.

However, O'Brien teaches the following: programming telephone system for different time periods desired during which ring suppression is in effect (col. 1, line 56 – col. 2, line 9).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kredo's system to provide for the following: timing parameter ranges from one second to approximately two minutes as this arrangement would facilitate the user to program time period for ring suppression to suite his requirements as taught by O'Brien.

Kredo differs from claims 7-8 in that although he teaches: means for receiving an incoming cal as the first incoming communication and means for producing the first ring (implicit as the caller has received the first incoming call 125: fig. 3, col. 3 lines 42-49) and means for receiving a second incoming call as the second incoming communication, means for producing another ring alert of the second incoming (fig. 3, col. 3, line 51 – col. 4, line 17); he does not teach: means for suppressing subsequent rings for a period of time.

However, O'Brien discloses call deferral system for telephones which teaches: user can program ring suppression for incoming calls for desired period of time (col. 2 lines 3-12).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kredo's system to provide for the following: means for suppressing subsequent alerts of the first incoming communication for a period of time

as this arrangement would provide convenient means to program his telephone system to suppress ringing of the telephone to suite his requirements as taught by O'Brien.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo in view of O'Brien as applied to claim 1 above, and further in view of Horne (US PAT: 6,700,957, filed 10-15-2001).

The combination differs from claim 1 in that it does not teach: means for associating the first incoming communication to a profile.

However, Horne discloses caller ID system which teaches: means for associating the first incoming communication to a profile (first twelve lines of the abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: means for associating the first incoming communication to a profile as this arrangement would facilitate the call control based on user profile stored in a database as taught by Horne.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kredo in view of O'Brien as applied to claim 1 above, and further in view of Chen et al. (US PAT: 6,968,216, filed 7-31-2001, hereinafter Chen)

The combination differs from claim 6 in that it does not specifically teach: means for retrieving a schedule preference that enables timed ring suppression for times of day and days of week.

However, Chen discloses method and apparatus for controlling ringer characteristics for wireless communication devices which teaches: means for retrieving

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a schedule preference that enables timed ring suppression for times of day and days of week (col. 5 lines 15-34; col. 7, line 64 – col. 8, line 25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: means for retrieving a schedule preference that enables timed ring suppression for times of day and days of week as this arrangement would facilitate the user to program the telephone device to desired schedules to control ring suppression to suite his requirements as taught by Chen.

Claims 9, 13, 18 are rejected on the same basis as claim 1.

Claim 14 is rejected on the same basis as claim 2.

Claims 15-16 are rejected on the same basis as claims 3-4.

Claims 17 is rejected on the same basis as claim 5.

### ***Response to Arguments***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

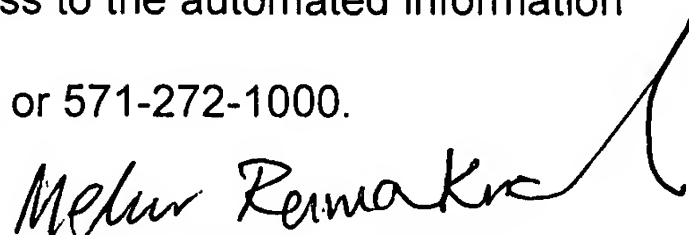
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
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